

Serial No. 10/053,183



PATENT  
170-00-004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth W. Henry et al. : Batch No.: None

Serial No.: 10/053,183 : Group Art Unit: None

Filed: November 9, 2001 : Examiner: None

For: System and Method for Performance  
Monitoring of Operational Equipment Used  
With Machines

PETITION TO FILE APPLICATION ON BEHALF OF INVENTOR

(37 C.F.R. 1.47(a)) (MPEP 409.03(c))

RECEIVED  
APR 23 2002  
OFFICE OF PETITIONS

Assistant Commissioner for Patents  
Washington, D.C.

Sir:

This petition under 37 C.F.R. § 1.47(a) is to file the above application on behalf of the following person as a deceased inventor and who is one of the inventors of the invention now being claimed:

Basis of the Petition (37 C.F.R. § 1.47)

- ☐ A joint inventor refuses to join in the application for patent (37 C.F.R. § 1.47(a)).
- ☒ A joint inventor cannot be found or reached after diligent effort (37 C.F.R. § 1.47(a)).
- ☐ All of the inventors refuse to execute the application for patent (37 C.F.R. § 1.47(b)).

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- ☐ All of the inventors cannot be found or reached after diligent effort (37 C.F.R. § 1.47(b)).

Declaration of Inventor(s) (37 C.F.R. § 1.47)

- ☒ Attached is a declaration by the inventor(s) who has (have) joined in the application and/or can be found and such declaration is executed on behalf of the non-signing inventor (37 C.F.R. § 1.47(a)).
- ☐ Attached is a declaration by the person(s) to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action (37 C.F.R. § 1.47(b)).

Proof of the Pertinent Facts (37 C.F.R. § 1.47)

- ☒ Attached is a declaration establishing the pertinent facts of:
- ☐ A joint inventor refuses to join in the application for patent (37 C.F.R. § 1.47(a)).
- ☒ A joint inventor is deceased and a known legal representative cannot be found or reached after diligent effort (37 C.F.R. § 1.47(a)).
- ☐ All of the inventors refuse to execute the application for patent (37 C.F.R. § 1.47(b)).
- ☐ All of the inventors cannot be found or reached after diligent effort (37 C.F.R. § 1.47(b)).
- ☐ The petition is necessary to preserve the rights of the parties or to prevent irreparable damage (37 C.F.R. § 1.47(b)).

Last Known Address of the Non-Signing Inventor (37 C.F.R. § 1.47)

2701 E. Lupine  
Phoenix, AZ 85028

Fee (37 C.F.R. § 1.17(h))

The fee required by is paid as follows:

- ☐ Enclosed is a check for \$130.00.
- ☒ Charge Account 01-1125 for any fee deficiency.
- ☒ Charge Account 01-1125 the sum of \$130.00.

In the event the examiner wishes to discuss any aspect of this petition, please contact the attorney at the telephone number identified below.

Respectfully submitted,


By:   
Robert Desmond  
Attorney Registration No. 38,430

Honeywell International, Inc.  
Law Dept. AB2  
P.O. Box 2245  
Morristown, NJ 07962-9806  
(602) 365-2588

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on 4-15-02

  
Robert Desmond, Reg. No. 32,303

STATEMENT OF ROBERT DESMOND

In connection with the petition being concurrently filed under 37 CFR 1.47, the following statement is submitted:

I, Robert Desmond, state that I am Chief Intellectual Property Counsel, Engines, Systems and Services, for Honeywell International, Inc., the assignee of the present invention, and am responsible for preparation and prosecution of the above patent application.

James Rhoden, a co-inventor to the above patent application, was previously employed by Honeywell International, Inc.

On about January 23, 2002, my office was advised by one of the signing inventors of the present application that Mr. Rhoden was deceased.

On about March 25, 2002, Bernice Rhoden spoke to my outside counsel and advised that she was the widow of James Rhoden, that she had not been appointed the administrator/executor to the estate of James Rhoden, and that she was unaware of who or how to reach such administrator/executor.

Accordingly, Mr. Rhoden, or the administrator/executor acting on his behalf, cannot be found or reached after diligent effort.

A filing date for the present application is necessary to preserve the rights of the parties and assignee or to prevent irreparable damage.

Dated: April 15, 2002

  
Robert Desmond